

EXHIBIT “A”

Court of Common Pleas of Philadelphia County
Trial Division

Civil Cover Sheet

| | | | |
|--|--|---|--|
| PLAINTIFF'S NAME ROBERT MILLER | | DEFENDANT'S NAME SEARS HOMETOWN & OUTLET STORES, ALIAS: SEARS OUTLET STORES | |
| PLAINTIFF'S ADDRESS 94 AKRON AVENUE HADDON TOWNSHIP NJ 08108 | | DEFENDANT'S ADDRESS 5500 TRILLIUM BOULEVARD SUITE 501 HOFFMAN ESTATE IL 60192 | |
| PLAINTIFF'S NAME KATE MILLER | | DEFENDANT'S NAME SEARS HOLDINGS CORPORATION | |
| PLAINTIFF'S ADDRESS 94 AKRON AVENUE HADDON TOWNSHIP NJ 08108 | | DEFENDANT'S ADDRESS 3333 BEVERLY ROAD HOFFMAN ESTATE IL 60179 | |
| PLAINTIFF'S NAME | | DEFENDANT'S NAME | |
| PLAINTIFF'S ADDRESS | | DEFENDANT'S ADDRESS | |

| | | |
|---------------------------------|---------------------------------|---|
| TOTAL NUMBER OF PLAINTIFFS 2 | TOTAL NUMBER OF DEFENDANTS 2 | COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions |
|---------------------------------|---------------------------------|---|

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|--|--|--|--|---|
| AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00 | COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Jury <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Other: | <input type="checkbox"/> Mass Tort <input type="checkbox"/> Savings Action <input type="checkbox"/> Petition | <input type="checkbox"/> Commerce <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Statutory Appeals | <input type="checkbox"/> Settlement <input type="checkbox"/> Minors <input type="checkbox"/> W/D/Survival |
|--|--|--|--|---|

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|--|--|--|--|--|
| CASE TYPE AND CODE 20 - PERSONAL INJURY - OTHER | | | | |
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| STATUTORY BASIS FOR CAUSE OF ACTION | | | | |
|-------------------------------------|--|--|--|--|

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| RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER) | FILED PRO PROTHY SEP 24 2019 K. KALOGRIAS | IS CASE SUBJECT TO COORDINATION ORDER? YES NO |
|--|--|--|

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: ROBERT MILLER, KATE MILLER

Papers may be served at the address set forth below.

| | |
|---|---|
| NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY ALEXANDER C. HYDER | ADDRESS 1500 WALNUT ST SUITE 900 PHILADELPHIA PA 19102 |
| PHONE NUMBER (215) 569-1212 | FAX NUMBER (215) 569-1550 |
| SUPREME COURT IDENTIFICATION NO. 320939 | E-MAIL ADDRESS ahyder@federallawfirm.com |
| SIGNATURE OF FILING ATTORNEY OR PARTY ALEXANDER HYDER | DATE SUBMITTED Tuesday, September 24, 2019, 05:31 pm |

FINAL COPY (Approved by the Prothonotary Clerk)

FODERA & LONG, P.C.

Leonard V. Fodera, Esquire #57203
Alexander C. Hyder, Esquire #320939
1500 Walnut Street, Suite 900
Philadelphia, PA 19102
p. (215)569.1212
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File No. 31678

Filed and Accepted by the
Attorneys for Plaintiffs

24 SEP 2019 05:21 pm

PHILADELPHIA

ROBERT MILLER and
KATE MILLER h/w
94 Akron Avenue
Haddon Township, NJ 08108

Plaintiffs,

v.

TERM, 2019

SEARS HOMETOWN & OUTLET
STORES
d/b/a SEARS OUTLET STORES
5500 Trillium Boulevard, Suite 501
Hoffman Estate, IL 60192
And
SEARS HOLDINGS CORPORATION
3333 Beverly Road
Hoffman Estates, IL 60179

Defendant.

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY

: No.

NOTICE

You have been sued in court, if you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or

AVISO

Le han demandado a usted on la corte. Si usted quire defenderee de estas demandas expuestas en las paginas siquieries, usted bene vente (2)dias de plazo al pertir de la fecha de la demanda y la notification. Mace faltz assentar uno comperencia escrita o en persona o con un abogado y entregar a la corte en forme escrita sus defendree o sus objectiones a les demandes on contra de su persona. Se evisado que ei usted no se defenda, la corte tomare' medides y guade conouer le demando on contra suye sin perrio avise o notification. Adern la corte suedo

for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Philadelphia Bar Association
Lawyer Referral and Information
One Reading Center
Philadelphia, Pennsylvania
(215) 238-6333

decider a favor del demandante y require que usted cumpla con todas las provisiones de su demanda. Usted puede perder dinero o sus propiedades o derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL

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Attorneys for Plaintiffs

ROBERT MILLER and

KATE MILLER h/w

94 Akron Avenue

Haddon Township, NJ 08108

: COURT OF COMMON PLEAS

: PHILADELPHIA COUNTY

Plaintiffs,

v.

TERM, 2019

SEARS HOMETOWN & OUTLET
STORES

d/b/a SEARS OUTLET STORES

5500 Trillium Boulevard, Suite 501

Hoffman Estate, IL 60192

And

SEARS HOLDINGS CORPORATION

3333 Beverly Road

Hoffman Estates, IL 60179

: No.

Defendant.

CIVIL ACTION COMPLAINT

Plaintiffs, by counsel, FODERA & LONG, hereby demand damages from the
Defendants herein and in support thereof avers:

1. Plaintiff, ROBERT MILLER, is an adult individual currently residing
at the above-captioned address.

2. Plaintiff, KATE MILLER, is an adult individual and wife of Plaintiff,
Robert Miller, currently residing at the above-captioned address.

3. Defendant, SEARS HOMETOWN & OUTLET STORES, d/b/a SEARS OUTLET STORES, is a business entity which maintained a home office, headquarters and is domiciled at 5500 Trillium Boulevard, Suite 501, Hoffman Estate, IL 60192.

4. Defendant, SEARS HOLDING CORPORATION, is a business entity which maintained a home office, headquarters and is domiciled at 3333 Beverly Road, Hoffman Estate, IL 60192.

5. Defendant, SEARS HOMETOWN & OUTLET STORES, d/b/a SEARS OUTLET STORES, regularly conducts business in Philadelphia County, including having a retail location herein, such that it has availed itself to the personal jurisdiction of this Court.

6. Defendant, SEARS HOLDING CORPORATION, regularly conducts business in Philadelphia County and is a registered to do business in the Commonwealth of Pennsylvania such that it has availed itself to the personal jurisdiction of this Court.

7. At all times material and relevant to this complaint, defendants, as entities and/or through their agents, owned, managed, controlled and/or maintained a certain commercial property, specifically a Sears outlet store, located at 2232 West Route 70, Suite C, Cherry Hill, NJ 08002.

8. At all times relevant herein, defendants sold refrigerators at the location of 2232 West Route 70, Suite C, Cherry Hill, NJ 08002.

9. At all times relevant herein, the Defendants had a duty to keep the products which it sold and packaged for pick up, including refrigerators, safe and free

from any unreasonable dangers or hazards, and/or to prevent any new or increased hazards or dangers from occurring through its own conduct and/or the conduct of its employees, agents and/or ostensible agents.

10. On or about June 2, 2018, at approximately 3:00 p.m., Plaintiff, Robert Miller, was lawfully present as a business invitee at the Sears Outlet Store located at 2232 West Route 70, Suite C, Cherry Hill, NJ 08002, attempting to make a customer pick-up of a refrigerator.

11. On or about the above date and time, an employee and/or agent or ostensible agent of the defendants loaded the full size refrigerator onto a dolly and attempted to load it into Plaintiff's truck.

12. While attempting to load the refrigerator into Plaintiff's truck, the employee and/or agent or ostensible agent of the defendants dropped the full size refrigerator onto Plaintiff's hand causing severe and gruesome injury to Plaintiff.

12. As a result of this accident, Plaintiff suffered injuries which are serious and/or permanent, including but not limited to, crush injury of the right/dominant hand, and severe lacerations and nerve injuries to his right and dominant hand requiring surgical intervention, resulting in loss of function, use and range of motion, all or some of which may be permanent in nature.

COUNT I
ROBERT MILLER v. SEARS HOMETOWN & OUTLET STORES
d/b/a SEARS OUTLET STORES
NEGLIGENCE

13. Plaintiff repeats each and every allegation of all preceding paragraphs with the same force and effect as if set forth herein at length.